



10367
ATTORNEY'S DOCKET NO.
074036.0134

PATENT APPLICATION

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APPLICATION FOR U.S. PATENT UNDER 37 C.F.R. § 1.53(b)

UTILITY PATENT APPLICATION TRANSMITTAL FORM

Mail Stop Patent Application
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing is the utility patent application of:

Inventor(s) or Application Identifier:

Mohammed N. Islam, et al.

Entitled: **Micromechanical Optical Switch**

APPLICATION ELEMENTS:

1. [X] This Fee Transmittal Form
2. Applicant is:
[] Large Entity
[X] Small Entity
[] Small Entity Statement enclosed
[X] Small Entity Statement filed in prior application.
Status still proper and desired.
3. [X] Specification (45 Total Pages)
4. [X] Drawings (5 Total Sheets)
X Formal
— Informal
5. [X] Combined Declaration and Power of Attorney
(4 Total Pages)
[] Newly executed (original or copy)
[X] Copy from a prior application
(for continuation/divisional only) (along with a copy of a Revocation of
Attorney and Appointment of New Attorney for Non-Provisional
Application, with Certificate Under 37 C.F.R. § 3.73(b))

22141 U.S. PTO
10/849346



6. The accompanying application is:

Original
 Continuation
 Divisional
 Continuation-In-Part (CIP)

Prior Application No.: 10/644,721

Filed: August 20, 2003

Examiner: David N. Spector

Group/Art Unit: 2873

which is hereby incorporated by reference therein.

(For Continuation or Divisional Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5 above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.)

7. Priority of foreign Application No. _____, filed on _____ is claimed under 35 U.S.C. § 119.

A certified copy is attached.

A certified copy was filed in prior Application Serial No. _____, filed _____.

8. The prior application is assigned of record to CHEETAH OMNI, INC., a Texas Limited Partnership, at reel 013692, frame 0941, and reel 016353, frame 0102 in the U.S. Patent and Trademark Office records, and were recorded on 01/13/2003 and 01/27/2003.

FEE CALCULATION:

*CLAIMS AS FILED IN THE APPLICATION, LESS ANY CLAIMS CANCELLED
BY PRELIMINARY AMENDMENT OR ADDED BY PRELIMINARY AMENDMENT*

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee
					\$385.00
Total Claims:	27	-20 =	7	X \$ 9 =	\$ 63.00
Independent Claims	5	- 3 =	2	X \$43 =	\$ 86.00
TOTAL FILING FEE =					\$534.00

ACCOMPANYING APPLICATION PARTS:

9. [] An Assignment of the invention to _____ is attached. A separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$____ pursuant to 37 C.F.R. § 1.21(h).

10. [X] Information Disclosure Statement (IDS) PTO-1449
[] Copies of IDS Citations.
[X] Pursuant to 37 C.F.R. § 1.98(d), copies of these references are not being furnished.

11. [] Information Disclosure Statement (IDS) PTO-1449
[] Copies of IDS Citations.
[] Pursuant to the July 11, 2003 waiver of 37 C.F.R. § 1.98(a)(2)(i) by the U.S. Patent and Trademark Office, copies of these references are not being furnished.

12. [] Preliminary Amendment

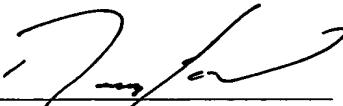
13. [X] Certificate of Mailing

14. [X] Return Receipt Postcard

15. [X] Nonpublication Request

15. [X] A check in the amount of \$534.00 to satisfy filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. **A duplicate copy of this document is enclosed.**

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Douglas M. Kubehl
Reg. No. 41,915

Date: 5-19-04

Express Mail. No. EV 324641015 US

Correspondence Address:

X Customer Number

05073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mohammed N. Islam et al.
Filing Date: May 19, 2004
For: MICROMECHANICAL OPTICAL SWITCH

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application (45 pages), Fee Transmittal (3 pages) and copy Fee Transmittal (3 pages), Declaration and Power of Attorney (2 pages)(copy), Drawings (5 pages), Nonpublication Request (1 page), Information Disclosure Statement (2 pages) along with an eight-page PTO-1449 Form, a check in the amount of \$534.00, a Baker Botts return acknowledgment postcard (1 card), and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 19th day of May, 2004 addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Willie Jiles

Express Mail Receipt
No. EV 324641015 US
Attorney's Docket: 074036.0134

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)		First Named Inventor	Mohammed N. Islam, et al.
		Title	MICROMECHANICAL OPTICAL SWITCH
		Atty Docket Number	074036.0134

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 19, 2004

Date



Signature

Douglas M. Kubehl

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.